



December 23, 2019

VIA ECF

Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: Ventura v. Tri Tip City, LLC, et. al.
No. 19-cv-0120(KPF)

Dear Judge Failla:

Please be advised that we represent Plaintiff in this action. I write this letter in response to Defendants' untimely filing of the reply to Plaintiff's opposition papers, and respectfully request that Your Honor strike the untimely reply from the docket.

By Order dated October 29, 2019, Your Honor set deadlines for motions regarding Plaintiff's filing of the Second Amended Complaint. Your Honor's Order specifically indicated, "Motions due by 11/1/2019. Responses due by 12/6/2019. **Replies due by 12/20/2019.**" Counsel has known of this deadline for almost two (2) months. In direct contravention of Your Honor's Order, counsel filed a reply beyond the date set in Your Honor's October 29, 2019 Order.

Counsel has not made any effort to request an extension of time to submit the reply, nor provided any explanation as to the delinquency. As counsel has not offered any explanation for the untimely filing, there is no proper basis upon which to excuse the untimely filing.

Notably, this is not the first time that counsel has failed to comply with Your Honor's rules. As such, we respectfully request that Defendants' untimely submission is deemed untimely and stricken from the record/docket.

Thank you in advance for your attention to this matter.

Respectfully submitted,

Zachary Holzberg, Esq.

Cc: Counsel for Defendants (via ECF)

Application DENIED. Defendants' reply brief was filed 3 days late. Plaintiff is not at all prejudiced by such delay. Further, the Court has granted Plaintiff multiple extensions in this case without Plaintiff having shown any good cause. (See, e.g., Dkt. #80, 85).

Date: January 17, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE